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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,447	07/23/2003	Gaurav Mittal	NC34619 (9021.157)	7966

7590 07/12/2005

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EXAMINER	
WU, QING YUAN	

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/625,447	MITTAL, GAURAV	
	Examiner	Art Unit	
	Qing-Yuan Wu	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *2/9/04*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-21 are pending in the application.

2. It is noted that the present application does contain line numbers in the claim and specification. However, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Objections

3. Claims 1-21 are objected to because of the following informalities: Extra spacing between words (i.e. claim 1, line 5). Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-15 are directed to method steps which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. The claimed steps do not define a machine or computer implemented process [see MPEP 2106]. (The examiner

suggests applicant to change "method" to "computer implemented method" in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 8-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. The following terms lacks antecedent basis:

i. Said application choices and corresponding links- claim 9.

ii. Said step of performing- claim 10.

iii. Said CADM- claim 15.

b. The following claim language is indefinite:

i. As per claim 8, it is uncertain who or what is "receiving from a user a request" and "generating to said at leas one server computer an initiation request" (i.e. is there an intermediate server that receive and generate? Or is it the client that is generating an initiation request?).

ii. As per claim 10, it is uncertain what applicant means by "performing said step of performing" (i.e. what is performing what?).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, and 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley (U.S. Patent 5,999,740), in view of Applicant Admitted Prior Art (hereafter AAPA).

8. As to claim 1, Rowley teaches the invention substantially as claimed including a method for facilitating the downloading of an application from at least one server computer to a client device, the method comprising steps of:

receiving from said client device an initiation request for information describing available applications, responsive to said initiation request, retrieving for each available application information describing said respective application and transmitting said application information to said client device [Rowley, abstract, lines 3-6; col. 3, lines 6-10; col. 5, lines 23-28].

9. Rowley does not specifically teach retrieving/transmitting a link to an application descriptor for said respective application to said client device. However, Rowley disclosed a display interface/mechanism for selection of application upgrades and mechanism to communicate the retrieval of application files [Rowley, col. 5, line 35-col. 6, line 21]. In

addition, AAPA teach using a browser to download an application descriptor from a server to a client device [AAPA, pg. 1, line 28-pg. 2, line 3].

10. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of Rowley with the teaching of AAPA to provide a direct and efficient mechanism of downloading applications or application updates.

11. As to claim 3, Rowley as modified teaches the invention substantially as claimed including receiving from said client device a request for an application descriptor, transmitting said application descriptor to said client device [AAPA, pg. 1, line 28-pg. 2, line 3], receiving from said client device a request to download a selected application, retrieving said selected application, and transmitting said selected application to said client device [AAPA, pg. 2, lines 3-10].

12. As to claim 4, Rowley as modified teaches the invention substantially as claimed including wherein said client device is one of a computer, a handheld device, a personal digital assistant (PDA), and a wireless mobile telephone [Rowley, col. 2, line 2; AAPA, pg. 1, lines 4-17].

13. As to claim 5, Rowley as modified teaches the invention substantially as claimed including wherein said at least one server computer comprises at least one of a network server

and an application server [Rowley, col. 2, lines 1-3; AAPA, pg. 1, lines 4-7].

14. Claims 2 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley and AAPA as applied to claim 1 above, further in view of Bourcher et al (hereafter Bourcher) (U.S. 6,910,047).

15. As to claim 2, Rowley and AAPA teaches the invention substantially as claim including receiving from said client device a request for an application descriptor, and transmitting said application descriptor to said client device [AAPA, pg. 2, lines 1-3].

16. Rowley and AAPA does not specifically teach said request comprising a link to said application descriptor. Bourcher teaches providing a request containing a URL to the desired information [Bourcher, col. 4, lines 8-10]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of Rowley, AAPA and Bourcher because the teaching of Bourcher would further improved the direct and efficient mechanism of downloading applications or application updates by providing a server with a location of the information requested.

17. As to claim 7, this claim is rejected for the same reason as claim 2 above.

18. Claims 6, 8, 10-16, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley and AAPA as applied to claim 1 above, further in view of Ims et al (hereafter Ims) (U.S. 6,665,867).

19. As to claim 6, Rowley and AAPA does not specifically teach wherein said at least one server computer comprises at least one application server coupled to said client device via at least one network server. However, Rowley disclosed a number of server computers interconnected by a network [Rowley, col. 2, lines 1-3]. In addition, Ims teaches a gateway directly or indirectly coupled to one or more workstations, and servers such as gateway and application server may be coupled to other servers [Ims, col. 7, lines 35-40]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of Rowley, AAPA and Ims because the teaching of Ims enhanced the teaching of Rowley and AAPA by providing an abstraction between a client device and a backend server (i.e. application server).

20. As to claim 8, this claim is rejected for the same reason as claims 1 and 6 above.

21. As to claim 10, Rowley, AAPA and Ims teach the invention substantially as claim including determining from said application descriptor whether said selected application is suitable for downloading to said client device, and upon a determination that said selected application is suitable for downloading to said client device, for performing said step of performing [AAPA, pg. 2, lines 3-5] (Examiner's interpretation of "performing said step of

performing" as downloading said selected application to said client device since applicant did not preclude nor define this limitation and fail to provide support or clarification for this limitation in the specification).

22. As to claim 11, this claim is rejected for the same reason as claim 4 above.

23. As to claim 12, this claim is rejected for the same reason as claim 7 above.

24. As to claims 13-14, these claims are rejected for the same reason as claims 5-6 above.

25. As to claim 15, Rowley, AAPA and Ims teach the invention substantially as claim including wherein said CADM is one of Java-AMS, BREW, and CoD [AAPA, pg. 1, lines 22-27].

26. As to claim16, Rowley, AAPA and Ims teach substantially the method for facilitating the downloading of an application from at least on e server computer to a client device. Therefore Rowley, AAPA and Ims teach the system for implementing the method.

27. As to claims 18-20, these claims are rejected for the same reason as claims 4-6 above.

28. Claims 9, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowley, AAPA and Ims as applied to claims 8 and 16 above, further in view of Bourcher.

29. As to claim 9, this claim is rejected for the same reason as claims 1-3, and 8 above. In addition, AAPA teaches a content/application download model [AAPA, pg. 1, line 24]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of Rowley, AAPA, Ims and Bourcher because the teaching of Bourcher would further improved the direct and efficient mechanism of downloading applications or application updates by providing the server with a location of the information requested. Furthermore, Rowley, AAPA and Ims do not specifically teach displaying said selected application. However, AAPA disclosed download the application from the server for use by the user [AAPA, pg. 2, lines 8-10]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that the used for an application would include displaying the application.

30. As to claim 17, this claim is rejected for the same reason as claims 2 and 9 above.

31. As to claim 21, this claim is rejected for the same reason as claim 7 above.

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

Art Unit 2194

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